

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

TEAL PEAK CAPITAL, LLC;

Plaintiff and Counter Defendant,

And

JOHN MICHAEL GRZAN AND NAMRATA
KHIMANI

Counter Defendant,

v.

ALAN BRAM GOLDMAN;

Defendant and Counter Claimant.

Case No. 3:20-CV-01747 (PAD)

BREACH OF CONTRACT; SPECIFIC
PERFORMANCE OF CONTRACT;
REIMBURSEMENT OF FUNDS, COSTS
AND EXPENSES

MOTION TO CONSIGN FUNDS

COMES NOW defendant Alan Bram Goldman (hereinafter, “Mr. Goldman”) through the undersigned attorney, and respectfully states as follows:

1. Ever since Mr. Goldman was served with the Complaint, he has diligently worked towards the consignment of the \$800,000.00, which represents the option deposit paid by John Michael-Grzan and Teal Peak Capital, LLC.

2. As the plaintiffs know, the funds were not placed in escrow, the option agreement clearly stated that Mr. Goldman needed the funds to secure a performance contract in Vermont. The plaintiffs knew that, but throughout this case they have been asking for their money back.

3. Last week Mr. Goldman closed on a real estate deal providing sufficient liquidity to return the \$800,000.00 deposit in full. Despite his best efforts, Mr. Goldman could not return the money sooner.

4. Following the filing of the present Motion to Consign Funds, Mr. Goldman will consign with the Clerk of the United States District Court for the District of Puerto Rico a Manager's Check in the amount of \$800,000.00.¹

5. The sum of \$800,000.00 reimburses the plaintiffs' good faith deposit in full and is consigned before this Honorable Court to moot the bulk of the issues before this Court and thus facilitate a court sponsored mediation between the parties. This consignment is by no means an admission of liability of any kind by Mr. Goldman regarding Teal Peak Capital, LLC's Complaint, but to the contrary consistent with his legal position in this matter.

WHEREFORE, Mr. Goldman respectfully requests that this Honorable Court take notice of the foregoing and authorize the consignment of \$800,000.00 for the purpose discussed herein.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of November 2021.

Attorney for Alan Bram Goldman
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¹ Manager's Check No. 220276188, Paid to the Order of: U.S. District Court.

IT IS HEREBY CERTIFIED that on this date we filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice electronically to all counsel at their address of record.

Date: November 12, 2021

By: s/Antonio A. Arias
Attorney